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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,757	08/30/2000	Tadashi Okajima	001111	2509

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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER

VUONG, BACH Q

ART UNIT PAPER NUMBER

2653

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/650,757	Applicant(s) OKAJIMA, TADASHI	
	Examiner Bach Q. Vuong	Art Unit 2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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This communication is responsive to the RCE request filed on 11/17/2004

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kasai et al. (US 4,866,687).

Kasai et al., according to Figs. 2-6, shows a disk apparatus for setting to a counter a count value corresponding to the number of tracks to jump over comprising all features of the claimed invention.

Regarding claims 1, see Figs. 2-6 which show a disk apparatus for setting to a counter a count value corresponding to the number of tracks to jump over, subtracting the count value each time a rising or trailing edge is detected in tracking zero-cross signal, and applying brake to finish jump when the count value reached 0, comprising: a direction determiner for determining in which one a pickup is to move in an outward direction or in an inward direction of a disk; level determiner (see Fig. 3 or 4) for determining a level of the zero-cross signal; and an incrementer (see counter 104) for incrementing the count value of the counter depending upon the level (see the respective disclosure of Figs 3 and 4).

Regarding claim 2, see Figs. 2 and 3 which show a disk apparatus further including a track determiner to determine to which one jump is to be made of a land or groove.

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Regarding claims 4 and 5, see respective disclosure of Figs. 2-4 which show a disk apparatus wherein a pickup is moving in an outward direction of a disk, the incrementer increments the count value when the land is determined and the level is in a low level, and increments the count value when the groove is determined and the level is in a high level; and where a pickup is moving in an inward direction of a disk, the incrementer increments the count value when the land is determined and the level is in a high level, and increments the count value when the groove is determined and the level is in a low level.

Regarding claim 6, see Figs. 3 and 4 which show a disk apparatus wherein the level determiner determines the level when the count value reaches a predetermined value (see counter 104).

Regarding claim 7, see Fig. 3 which shows a disk apparatus wherein the level determiner determines the level prior to setting the count value and starting jump.

Response To Arguments

In response to Applicant's arguments filed 9/17/2004 related to the rejection under 35 USC –102(b) as being anticipated by Kasai et al. (US 4,866,687), Applicant's attention is drawn to Figs. 2-4, 11 and column 6, lines 4-52 clearly discloses that an incrementer for incrementing the count value of the counter depending upon the moving direction (see tracking signal 52 and the traversing direction of light spot) and the level of the tracking zero-cross signal determined by the level determiner (see edge pulse signal 53 and 54 and also see cross-seek control/jump control system for details). Accordingly, Kasai does disclose all features as recited in claimed invention.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bach Q Vuong whose telephone number is (703) 305-7355. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BV
January 6, 2005


TRAN Q. VUONG
PRIMARY EXAMINER